

MONTANA LEGISLATIVE HISTORY

Chapter 256 19 97

Bill H _____ S 33

Original bill & history ✓_C

H. Committee on Judiciary

Hearing Date(s) 3-6 ✓_C

_____ ______C

_____ ______C

_____ ______C

Date Out _____ ______C

S. Committee on Judiciary

Hearing Date(s) 1-9 ______C

_____ ______C

1 _____

_____ ______C

no minutes
of exec. action.

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendant information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

1/10	FISCAL NOTE PRINTED		
1/21	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/23	2ND READING PASSED	49	0
1/24	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
1/25	FIRST READING		
1/25	REFERRED TO JUDICIARY		
3/06	HEARING		
3/07	COMMITTEE REPORT—BILL CONCURRED		
4/03	2ND READING CONCURRED	92	8
4/04	3RD READING CONCURRED	82	17
	RETURNED TO SENATE		
4/08	SIGNED BY PRESIDENT		
4/08	SIGNED BY SPEAKER		
4/09	TRANSMITTED TO GOVERNOR		
4/14	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 255		
	EFFECTIVE DATE: 10/01/97		

SB 33 INTRODUCED BY HALLIGAN *LC0368 DRAFTER: STERNBERG*

ALLOW THE ISSUANCE OF A TEMPORARY FAMILY SUPPORT ORDER TO ENSURE THE PAYMENT OF PERIODIC MARITAL ESTATE LIABILITIES OUT OF THE PARTIES' INCOME OR MARITAL ASSETS DURING THE PENDENCY OF MARRIAGE DISSOLUTION PROCEEDINGS

12/19	INTRODUCED		
12/30	FISCAL NOTE REQUESTED		
1/03	REFERRED TO JUDICIARY		
1/06	FIRST READING		
1/09	HEARING		
1/09	FISCAL NOTE RECEIVED		
1/11	FISCAL NOTE PRINTED		
1/16	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/17	2ND READING PASSED	48	0
1/18	3RD READING PASSED	41	0
	TRANSMITTED TO HOUSE		
1/20	FIRST READING		
1/20	REFERRED TO JUDICIARY		
3/06	HEARING		
3/07	COMMITTEE REPORT—BILL CONCURRED		
4/03	2ND READING CONCURRED	72	26
4/04	3RD READING CONCURRED	77	22
	RETURNED TO SENATE		
4/08	SIGNED BY PRESIDENT		
4/08	SIGNED BY SPEAKER		
4/09	TRANSMITTED TO GOVERNOR		
4/14	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 256		
	EFFECTIVE DATE: 10/01/97		

SB 34 INTRODUCED BY NELSON *LC0370 DRAFTER: CAMPBELL*

REQUIRE INSURANCE COVERAGE FOR A MINIMUM HOSPITAL STAY FOLLOWING CHILDBIRTH
BY REQUEST OF STATE AUDITOR

12/19	INTRODUCED		
12/30	FISCAL NOTE REQUESTED		
1/03	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
1/06	FIRST READING		

SENATE BILL NO. 33
INTRODUCED BY HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE ISSUANCE OF A TEMPORARY FAMILY SUPPORT ORDER TO ENSURE THE PAYMENT OF PERIODIC MARITAL ESTATE LIABILITIES OUT OF THE PARTIES' INCOME OR MARITAL ASSETS DURING THE PENDENCY OF MARRIAGE DISSOLUTION PROCEEDINGS; AND AMENDING SECTION 40-4-121, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 40-4-121, MCA, is amended to read:

"40-4-121. **Temporary order or temporary injunction.** (1) In a proceeding for dissolution of marriage or for legal separation or in a proceeding for disposition of property or for maintenance or support following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, either party may move for temporary maintenance ~~or~~, temporary support of a child of the marriage entitled to support, or a temporary family support order. The motion must be accompanied by an affidavit setting forth the factual basis for the motion ~~and~~, the amounts requested, a list of marital estate liabilities, a statement of sources of income of the parties and of a child of the marriage entitled to support, and, in the case of a motion for a temporary family support order, a proposal designating the party responsible for paying each liability. If ordered by a court, a temporary family support order must, without prejudice, direct one or both parties to pay, out of certain income sources, liabilities of the marital estate during the pendency of the action, including maintenance liabilities for a party or support of a child of the marriage entitled to support. If income sources are insufficient to meet the marital estate periodic liabilities, the temporary family support order may direct that certain liabilities be paid from assets of the marital estate. At any time during the proceedings, the court may order any temporary family support payments to be designated as temporary maintenance, temporary child support, or partial property distribution, retroactive to the date of the motion for a temporary family support order.

(2) As a part of a motion for temporary maintenance ~~or~~, temporary support of a child, or a temporary family support order or by independent motion accompanied by affidavit, either party may request the court to issue a temporary injunction for any of the following relief:

1 (a) restraining any person from transferring, encumbering, concealing, or otherwise disposing of
2 any property, except in the usual course of business or for the necessities of life, and, if so restrained
3 requiring the person to notify the moving party of any proposed extraordinary expenditures made after the
4 order is issued;

5 (b) enjoining a party from molesting or disturbing the peace of the other party or of any family
6 member or from stalking, as defined in 45-5-220;

7 (c) excluding a party from the family home or from the home of the other party upon a showing
8 that physical or emotional harm would otherwise result;

9 (d) enjoining a party from removing a child from the jurisdiction of the court;

10 (e) ordering a party to complete counseling, including alcohol or chemical dependency counseling
11 or treatment;

12 (f) providing other injunctive relief proper in the circumstances; and

13 (g) providing additional relief available under Title 40, chapter 15.

14 (3) A person may seek the relief provided for in subsection (2) without filing a petition under this
15 part for a dissolution of marriage or legal separation by filing a verified petition requesting relief under Title
16 27, chapter 19, part 3. Any temporary injunction entered under this subsection must be for a fixed period
17 of time, not to exceed 1 year, and may be modified as provided in Title 27, chapter 19, part 4, and
18 40-4-208, as appropriate.

19 (4) The court may issue a temporary restraining order for a period not to exceed 20 days without
20 requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that
21 irreparable injury will result to the moving party if ~~no~~ an order is not issued until the time for responding
22 has elapsed.

23 (5) A response may be filed within 20 days after service of notice of motion or at the time specified
24 in the temporary restraining order.

25 (6) At the time of the hearing, the court shall determine whether good cause exists for the
26 injunction to continue for 1 year.

27 (7) On the basis of the showing made and in conformity with 40-4-203 and 40-4-204, the court
28 may issue a temporary injunction and an order for temporary maintenance ~~or~~ temporary child support, or
29 temporary family support in amounts and on terms just and proper in the circumstance.

30 (8) A temporary order or injunction, entered pursuant to Title 40, chapter 15, or this section:

(a) may be revoked or modified on a showing by affidavit of the facts necessary to revocation or modification of a final decree under 40-4-208;

(b) terminates upon order of the court or when the petition is voluntarily dismissed and, in the case of a temporary family support order, upon entry of the decree of dissolution; and

(c) when issued under this section, must conspicuously bear the following: "Violation of this order is a criminal offense under 45-5-220 or 45-5-626."

(9) When the petitioner has fled the parties' residence, notice of the petitioner's new residence must be withheld except by order of the court for good cause shown."

-END-

SENATE JUDICIARY

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- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE - REREFERRED - DATE READ							
SB0006	12/27	1/07	PASS AS AMENDED	VOTE:10-0	1-15		1/16
SB0016	HALLIGAN, MIKE		MANDATORY DISCLOSURE OF ASSETS & LIABILITIES IN DISSOLUTION/SEPARATION		1-15		
	12/27	1/08	DO PASS	VOTE:9-1			1/16
SB0031	JENKINS, LOREN		PROVIDE FOR CHEMICAL TREATMENT OF CERTAIN SEX OFFENDERS				
	1/03	1/13	PASS AS AMENDED	VOTE:10-0	JUDICIARY 1-22&27		1/22
SB0031	JENKINS, LOREN		PROVIDE FOR CHEMICAL TREATMENT OF CERTAIN SEX OFFENDERS				
	1/25		PASS AS AMENDED	VOTE:7-3	1-27		1/28
SB0032	HALLIGAN, MIKE		TEMPORARY PROPERTY RESTRAINING ORDER IN DIVORCE PROCEEDINGS				
	1/03	1/09	PASS AS AMENDED	VOTE:10-0	1-17		1/21
SB0033	HALLIGAN, MIKE		TEMPORARY FAMILY SUPPORT ORDER IN DIVORCE PROCEEDINGS				
	1/03	1/09	PASS AS AMENDED	VOTE:10-0	1-15		1/16
SB0036	LYNCH, J. D.		CODE COMMISSIONER BILL				
	1/03	1/09	PASS AS AMENDED	VOTE: 10-0	1-14		1/15
SB0044	HOLDEN, RIC		LIMIT MOTOR VEHICLE LIABILITY INSURER'S LIABILITY UNDER THE POLICY		1-17		
	1/09	1/15	DO PASS	VOTE:6-3			1/21
SB0046	SPRAGUE, MIKE		CONFISCATION OF DRIVER'S LICENSE OF YOUTH WHO'S DELINQUENT/NEEDS SUPERVISION				
	1/09	1/16	PASS AS AMENDED	VOTE:10-0	1-17		1/21
SB0048	SPRAGUE, MIKE		GENERALLY REVISE YOUTH COURT ACT; YOUTH IN NEED OF INTERVENTION; ASSESSMENTS				
	1/03	1/10	PASS AS AMENDED	VOTE:9-1	1-29		1/30
SB0048	SPRAGUE, MIKE		GENERALLY REVISE YOUTH COURT ACT; YOUTH IN NEED OF INTERVENTION; ASSESSMENTS				
	3/18	3/25	COM RPT - _____	VOTE:10-1	3-25		3/25
SB0054	SHEA, DEBBIE		REVISE VICTIMS' COMPENSATION LAWS				
	1/03	1/13	PASS AS AMENDED	VOTE: 10-0	1-16		1/17
	CHRISTIAENS, CHRIS		STATE AUDITOR REGULATION OF THE SALE OF LIVING TRUSTS				

court. The title company would be charged with knowledge of that action. In the case of a developer selling lots, with this encumbrance, no purchaser would be safe in buying a lot unless they had a release of the restraining order as it pertained to the property.

Mr. Scott replied the last paragraph of the bill allows a bona fide purchaser in interest to be protected in a case where they in good faith purchased the property.

CHAIRMAN CRIPPEN asked what constitutes actual knowledge.

Mr. Scott commented that actual knowledge would be other than constructive knowledge. Constructive knowledge means that you should have known or should have gone to the title company with the matter. Actual knowledge would mean that you would know that this person should not be transferring the deed or property to you.

SENATOR BARTLETT, referring to page 2, line 30, commented that the current law provides that a person seeking relief under subsection (2), without filing a petition for dissolution or separation, may request relief under Title 27, chapter 19, part 3. She asked for an explanation of the interaction of the amendments which Mr. Scott was proposing to the existing law.

Mr. Scott commented they have not changed the law. They are only jump starting the system. There is no problem getting a restraining order. They are simply trying to expedite the process.

SENATOR BARTLETT asked if this provides for an exception in the usual course of business or for the necessities of life and whether there is a common understanding of what necessities of life would constitute?

Mr. Scott replied that the language in this bill is current law and to date that has not been a problem.

Closing by Sponsor: SENATOR HALLIGAN closed on SB32.

HEARING ON SB 33

Sponsor: SENATOR MIKE HALLIGAN, SD 34, Missoula

Proponents: --P. Mars Scott, State Bar of Montana, Domestic Relations Study Commission
--Mary Ann Wellbank, Administrator of the Child Support Enforcement Division (CSED)

Opponents: None

Opening Statement by Sponsor: SENATOR HALLIGAN introduced SB 33. This bill is another part of the package. When a dissolution action is started the bills do not stop. This bill attempts to

provide some stability so that someone is still responsible for family support.

Proponents' Testimony:

P. Mars Scott, Domestic Relations Study Commission, stated SB 33 was drafted after the Oregon bill. This bill came into existence because of the frustration expressed by district court judges in having mini trials on motions for temporary maintenance and child support. This bill provides a motion for temporary family support. When people start the divorce process there are bills which need to be paid. It is easy to figure out identifiable sources of income. This would allow the court to assign bills to both parties so these obligations were met until such time as an appropriate decision would be made about maintenance and child support. The bill provides that the district court go back retroactively to the date of the filing, if necessary, and allocate the family support which went out as maintenance, child support or property division. The judges are already doing this.

Informational Testimony:

Mary Ann Wellbank, Administrator of the Child Support Enforcement Division (CSED), stated she had technical concerns which could be addressed by amendments. The Child Support Enforcement Division is authorized under Title 4D of the Social Security Act and this is required in order for states to have a welfare program. Like district courts, the CSED may establish a child support order and is required to do so if one isn't already established. Both district courts and CSED are required by Montana law and federal regulations to use the Child Support Guidelines which are published in the Administrative Rules of Montana to establish child support orders. This order would be called a family support order and the district courts would be able to establish it. They would not have to be using the Child Support Guidelines and CSED could not collect because they only have the authority to collect child support. CSED also has the authority and responsibility to enforce district court orders and administrative court orders for both child support and spousal support if child support is being collected. Again, they do not have the authority or funding to collect family support. Under federal regulations and state law, when a family is receiving public assistance, assignment of child support and spousal support is a mandatory condition of receiving AFDC. This money isn't in addition to the child support. Persons who receive a child support check and are also receiving public assistance need to turn that child support check over to the Division. It is unclear which portion of family support would be considered child support. If collected, child support is retained by the state for families under public assistance and it funds the state's share of the CSED, which is matched by 66% federal funds. Out of 4,000 cases, fifty percent involve AFDC. They have prepared amendments which have been given to SEN. HALLIGAN to include that

in a case involving AFDC the court would be required to separate out the temporary family support order from the temporary child support order.

Opponents' Testimony: None

Questions From Committee Members and Responses:

{Tape: 1,; Side: a; Approx. Time Count: 32.7; Comments: .}

SENATOR ESTRADA asked SENATOR HALLIGAN if he had any problems with the Division's amendments?

SENATOR HALLIGAN replied that he had no problems with the amendments but since this was a temporary order and not a final order he felt the Division would not be enforcing the temporary order. The amendment would not hurt the bill.

CHAIRMAN CRIPPEN asked Ms. Wellbank why she was concerned with the temporary order since the Division was only involved at the end of the proceedings?

Ms. Wellbank stated the CSED also has the authority and the obligation to establish a child support order when none exists. In this situation, no child support order would exist. It is also conceivable that there may be a temporary family support order wherein one party would not be receiving the money because of lack of enforcement.

Closing by Sponsor: SENATOR HALLIGAN closed on SB 33.

HEARING ON SB 36

Sponsor: SENATOR J.D. LYNCH, SD 19

Proponents: --Greg Petesch, Code Commissioner
--Jacqueline Lenmark, American Insurance Association

Opponents: None

Opening Statement by Sponsor: SENATOR J.D. LYNCH, SD 19, presented SB 36. This bill is called the Code Commissioner Bill. This bill contains revisions made to statutes which are non-controversial and non-substantive in terms of debate. A date has been removed which may have some substance to the bill itself. This will need to be addressed.

Proponents' Testimony: Greg Petesch, Code Commissioner, stated that during this interim they made a concerted effort to completely search the code for all references. They also searched all references to federal law and either updated the reference to reflect the current codification of the federal law

HOUSE JUDICIARY

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BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ----- REREFERRED ---- DATE READ

SB0031	JENKINS, LOREN	2/01	3/06	PROVIDE FOR CHEMICAL TREATMENT OF CERTAIN SEX OFFENDERS	CONCUR	03/11	VOTE: 15-0	3/11	
SB0032	HALLIGAN, MIKE	1/25	3/06	TEMPORARY PROPERTY RESTRAINING ORDER IN DIVORCE PROCEEDINGS	CONCUR	03/06	VOTE: 14-3	3/07	
SB0033	HALLIGAN, MIKE	1/20	3/06	TEMPORARY FAMILY SUPPORT ORDER IN DIVORCE PROCEEDINGS	CONCUR	03/06	VOTE: 14-3	3/07	
SB0036	LYNCH, J. D.	1/18	2/04	CODE COMMISSIONER BILL	CONCUR	02/04	VOTE: 15-0	2/06	
SB0044	HOLDEN, RIC	1/24	3/05	LIMIT MOTOR VEHICLE LIABILITY INSURER'S LIABILITY UNDER THE POLICY	03/06/97 Tabled 14-1	CONCUR AS AMENDED	03/14	VOTE: 16-4	3/14
SB0046	SPRAGUE, MIKE	1/25	3/07	CONFISCATION OF DRIVER'S LICENSE OF YOUTH WHO'S DELINQUENT/NEEDS SUPERVISION	CONCUR AS AMENDED	03/07	VOTE: 20-0	3/08	
SB0054	SHEA, DEBBIE	1/21	3/05	REVISE VICTIMS' COMPENSATION LAWS	CONCUR AS AMENDED	03/06	VOTE: 16-0	3/07	
SB0079	CHRISTIAENS, CHRIS	2/04	3/05	STATE AUDITOR REGULATION OF THE SALE OF LIVING TRUSTS	CONCUR AS AMENDED	03/10	VOTE: 14-3	3/11	
SB0092	ECK, DOROTHY	1/25	3/07	REVISE COMPOSITION & DUTIES OF INTERAGENCY COORDINATING COUNCIL	CONCUR	03/07	VOTE: 16-4	3/08	
SB0103	VAN VALKENBURG, FRED	1/20	2/06	PROVIDE FOR IMMUNITY OF NATIONAL GUARD ENGAGED IN FEDERAL ACTIVITIES	CONCUR	02/06	VOTE: 18-1	2/07	
SB0106	VAN VALKENBURG, FRED	1/25		GENERALLY REVISE DUI ALCOHOL AND DRUG TEST LAWS			VOTE:	2/14/97	
SB0110	BECK, TOM	1/28	3/07	DPHHS AUTHORITY TO ESTABLISH PARENTAL CONTRIBUTIONS TOWARDS YOUTH'S CARE	TABLED ON	03/07	VOTE: 12-7		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on March 6, 1997, at 8 AM,
in Room 312-1.

ROLL CALL

Members Present:

Rep. Bob Clark, Chairman (R)
Rep. Daniel W. McGee, Vice Chairman (Majority) (R)
Rep. Diana E. Wyatt, Vice Chairman (Minority) (D)
Rep. Chris Ahner (R)
Rep. Shiell W. Anderson (R)
Rep. Ellen Bergman (R)
Rep. William E. Boharski (R)
Rep. Aubyn A. Curtiss (R)
Rep. Jon Ellingson (D)
Rep. Duane Grimes (R)
Rep. H.S. "Sonny" Hanson (R)
Rep. Joan Hurdle (D)
Rep. Deb Kottel (D)
Rep. Linda McCulloch (D)
Rep. Brad Molnar (R)
Rep. Gerald Pease (D)
Rep. Diane Sands (D)
Rep. Liz Smith (R)
Rep. Loren L. Soft (R)
Rep. Bill Tash (R)

Staff Present: John MacMaster, Legislative Services Division
Joanne Gunderson, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 16, SB 32, SB 33, SB 31
POSTED 2/21/97
Executive Action: BE CONCURRED IN:
SB 16, SB 32, SB 33
BE CONCURRED IN AS AMENDED:
SB 54, SB 212
TABLED: SB 44

HEARING ON SB 16

Opening Statement by Sponsor: SEN. MIKE HALLIGAN
{Tape: 1; Side: A; Approx. Time Count: 2.0}

Proponents' Testimony:

MARS SCOTT, Attorney

{Tape: 1; Side: A; Approx. Time Count: 5.3}

CORBIN HOWARD, Attorney

{Tape: 1; Side: A; Approx. Time Count: 10.0}

Closing by Sponsor: SEN. HALLIGAN

{Tape: 1; Side: A; Approx. Time Count: 12.1}

HEARING ON SB 32

Opening Statement by Sponsor: SEN. MIKE HALLIGAN

{Tape: 1; Side: A; Approx. Time Count: 12.7}

Proponents' Testimony:

MARS SCOTT, Attorney

{Tape: 1; Side: A; Approx. Time Count: 15.1}

KERRY NEWCOMER, Attorney

{Tape: 1; Side: A; Approx. Time Count: 16.9}

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 19.7 - 27.7}

Closing by Sponsor: SEN. HALLIGAN

{Tape: 1; Side: A; Approx. Time Count: 27.8}

HEARING ON SB 33

Opening Statement by Sponsor: SEN. MIKE HALLIGAN

{Tape: 1; Side: A; Approx. Time Count: 28.5}

Proponents' Testimony:

CORBIN HOWARD, Attorney

{Tape: 1; Side: A; Approx. Time Count: 31.4}

MARS SCOTT, Attorney

{Tape: 1; Side: A; Approx. Time Count: 33.5}

Closing by Sponsor: SEN. HALLIGAN

{Tape: 1; Side: A; Approx. Time Count: 36.0}

EXECUTIVE ACTION ON SB 33

Motion: REP. WYATT moved SB 33 BE CONCURRED IN.

{Tape: 1; Side: A; Approx. Time Count: 38.0}

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 38.2-Tape 1; Side B; 8.0}

Vote: The motion carried 14 - 3; REPS. BOHARSKI, MC GEE and CLARK voting no. (REP. AHNER voted aye by proxy; REP. MC GEE voted no by proxy. REPS. SMITH, MOLNAR and KOTTEL were not present for the vote and left no proxy votes.) REP. ELLINGSON will carry SB 33.

EXECUTIVE ACTION ON SB 16

Motion/Vote: REP. ANDERSON moved SB 16 BE CONCURRED IN. The motion carried 14 - 3; REPS. BOHARSKI, MC GEE and CLARK voting no. (REP. AHNER voted aye by proxy; REP. MC GEE voted no by proxy. REPS. SMITH, MOLNAR and KOTTEL were not present for the vote and left no proxy votes.) REP. ELLINGSON will carry SB 16.

EXECUTIVE ACTION ON SB 32

Motion: REP. WYATT moved SB 32 BE CONCURRED IN.
{Tape: 1; Side: B; Approx. Time Count: 13.6}

Discussion:
{Tape: 1; Side: B; Approx. Time Count: 14.0}

Vote: The motion carried 14 - 3; REPS. BOHARSKI, MC GEE and CLARK voting no. (REP. AHNER voted aye by proxy; REP. MC GEE voted no by proxy. REPS. SMITH, MOLNAR and KOTTEL were not present for the vote and left no proxy votes.) REP. ELLINGSON will carry SB 32.

EXECUTIVE ACTION ON SB 54

Motion: REP. WYATT moved SB 54 BE CONCURRED IN.
{Tape: 1; Side: B; Approx. Time Count: 19.0}

Discussion:
{Tape: 1; Side: B; Approx. Time Count: 20.5 - 24.6}

Motion/Vote: REP. BOHARSKI moved to amend by striking subsection 3 and inserting corresponding language from HB 540. The motion carried 16 - 0. (REPS. AHNER, MC GEE, KOTTEL and MOLNAR were not present for the vote and left no proxy votes.)

Motion/Vote: REP. HANSON moved SB 54 BE CONCURRED IN AS AMENDED. The motion carried 16 - 0. (REPS. AHNER, MC GEE, KOTTEL and MOLNAR were not present for the vote and left no proxy votes.) REP. MC CULLOCH will carry SB 54.

EXECUTIVE ACTION ON SB 79

Motion: REP. SANDS moved SB 79 BE CONCURRED IN.
{Tape: 1; Side: B; Approx. Time Count: 28.2}

Discussion:
{Tape: 1; Side: B; Approx. Time Count: 28.8-31.5; Comments: REP. SANDS withdrew the motion pending further information.}